

Article - Local Government

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§4–111.

(a) In this section, “legislation” means any form of county or municipal legislative enactment, including a law, an ordinance, a resolution, or any action by which a county budget is adopted.

(b) Except as provided in subsection (c) of this section, legislation enacted by a county does not apply in a municipality located in the county if the legislation:

(1) by its terms, exempts the municipality;

(2) conflicts with legislation of the municipality enacted under a grant of legislative authority provided by public general law or the municipal charter; or

(3) (i) relates to a subject on which a public general law or the municipal charter grants the municipality legislative authority; and

(ii) the municipality by ordinance or charter amendment:

1. specifically exempts itself from the county legislation; or

2. generally exempts itself from county legislation covered by the type of grant of authority to the municipality.

(c) The following categories of county legislation, if within the scope of legislative powers granted to a county by the General Assembly, apply in all municipalities in the county:

(1) county legislation made applicable to all municipalities in the county under a law enacted by the General Assembly;

(2) county revenue or tax legislation, subject to Title 16, Subtitle 5 and Title 20 of this article, the Tax – General Article, and the Tax – Property Article, or legislation adopting a county budget; and

(3) subject to subsection (e) of this section, county legislation that is enacted in accordance with county requirements for legislation that is to become effective immediately and for which the legislative body of the county:

(i) makes a specific finding based on evidence of record after a hearing held under item (ii) of this item that there will be significant adverse impact on the public health, safety, or welfare affecting residents of the county in unincorporated areas if the legislation does not apply in all municipalities in the county;

(ii) conducts a public hearing at which all municipalities in the county and any interested persons have an opportunity to be heard;

(iii) 1. provides notice of the hearing by certified mail to all municipalities in the county at least 30 days before the hearing; and

2. publishes notice in a newspaper of general circulation in the county for 3 successive weeks, beginning at least 30 days before the hearing; and

(iv) enacts the county legislation by an affirmative vote of at least two-thirds of the authorized membership of the county legislative body.

(d) (1) County legislation enacted in accordance with subsection (c)(3) of this section is subject to judicial review by the circuit court of the county, in accordance with the Maryland Rules governing appeals from administrative agencies, of:

(i) the finding made under subsection (c)(3)(i) of this section; and

(ii) the legislation's applicability to municipalities located in the county.

(2) An appeal under this subsection shall be filed within 30 days after the effective date of the county legislation.

(3) In a judicial proceeding under this subsection, the only issues that may be considered are whether the county legislative body:

(i) complied with the procedures of subsection (c)(3) of this section; and

(ii) had sufficient evidence from which a reasonable person could conclude that there will be a significant adverse impact on the public health, safety, or welfare affecting residents of the county in unincorporated areas if the county legislation does not apply in all municipalities in the county.

(4) The court shall decide the issues under paragraph (3) of this subsection without a jury.

(5) If a court reverses a legislative body's finding under subsection (c)(3)(i) of this section:

(i) the legislation shall continue to apply in unincorporated areas of the county; and

(ii) the applicability of the legislation in a municipality is governed by subsection (b) of this section.

(6) A county or municipality in the county may appeal the decision of a circuit court in a proceeding under this subsection to the Court of Special Appeals.

(e) County legislation enacted in accordance with subsection (c)(3) of this section does not apply, or becomes inapplicable, in a municipality that has enacted or enacts municipal legislation that:

(1) covers the same subject matter and furthers the same policies as the county legislation;

(2) is at least as restrictive as the county legislation; and

(3) includes provisions for enforcement.

(f) (1) By ordinance, a municipality may request and authorize the county in which it is located to administer or enforce any municipal legislation.

(2) After a municipality enacts an ordinance under paragraph (1) of this subsection, a county may administer or enforce the municipal legislation on mutually agreed terms.

(g) The other provisions of this article are considered amended as provided in this section.

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